

**AFFIDAVIT**

Karen DePaepe, first being duly sworn upon her oath, states as follows:

1. I was hired by the South Bend Police Department on January 25, 1987 as a Communications Specialist. In 1995 I was promoted to Communications Supervisor. As a Communications Supervisor, my duties included pulling tapes off of the Dictaphone reel-to-reel recording system.
2. On July 1, 1998, I was promoted to Director of Communications. At the time, Darrell Gunn was the Chief of Police and Rick Kilgore was Division Chief of Services. Gary Horvath was captain of planning and research and at that point in time replaced the Dictaphone Reel-to-Reel Recording System. The installation of the Dynamic Instrument Reliant Recording System occurred between July and December of 1998.
3. Between the dates of my initial hire in 1987 and thru 1998 while the Dictaphone Reel-to-Reel Recording System was in place a number of telephone lines were being recorded on a 24 hour basis. These lines were the front desk lines (3), the communication center lines (9 workstations), and the lines assigned to the Uniform Commander (3). The purpose for the recording of these lines was to ensure that the calls being received were handled correctly and to be able to have a record of phone conversations if in fact a member of the public complained about not being treated appropriately, as well as preserving any information regarding ongoing investigations received from anonymous tips.
4. The Dictaphone Reel-to-Reel Recording System was replaced by the Dynamic Instrument Reliant Recording System between July and December of 1998.
5. After the Dynamic Instrument Reliant Recording Systems was installed, the Chief of Police, Darrell Gunn directed that additional phone lines were to be added as lines to be recorded lines. These lines were the Chief of Police's two incoming lines, two

incoming lines to the Detective Bureau and the line that was assigned to the Internal Affairs Division. I was advised that the purpose of adding these additional lines was again to ensure that calls were being handled correctly and also to be able to preserve any type of anonymous information being received by the police department as well as to preserve information received by the public regarding complaints referencing police personnel.

6. During the year of 1999, one additional phone line was added to be recorded and that was the Records Bureau Captain line, this was done by I believe Interim Chief Larry Bennett.
7. Sometime in and around 2003, Chief Thomas Fautz became the South Bend's Police Department's Chief of Police. In and around that time, Chief Thomas Fautz directed me to add to the above stated lines to be recorded the following lines to be recorded: a line in the office of the Chief of Police, the phone line assigned to the Uniform Division Chief, and the phone line assigned to the Detective Bureau Chief. The rational again was to preserve information that was coming in thru anonymous tips as well as to preserve information received from the public to ensure that any complaints being made were handled correctly. One of the lines that Fautz authorized to be placed on the recording system is the phone line that is the subject of this lawsuit, 6031.
8. In and around 2006, Chief Thomas Fautz directed me to add to the lines being recorded the Records Bureau incoming line because of complaints by the public that they were getting incorrect information regarding vehicular impounds.
9. At the end of Chief Fautz's tenure the following phone lines were being recorded See attached Exhibit A.

10. In 2007 when Chief Darryl Boykins was appointed Chief of Police for the South Bend Police Department, the following lines were being recorded by the Dynamic Instrument Reliant Recording System: See attached Exhibit A.
11. As part of my normal procedures, I advised Chief Darryl Boykins that the above stated phone lines were currently being recorded on a 24 hour basis by the Dynamic Instrument Reliant Recording System. From the time Chief Darryl Boykins assumed command to the date that I was terminated, there were no additions or deletions of the lines that were being recorded by the Dynamic Instrument Reliant Recording System.
12. That any line that was designated as a recorded line as stated above was recorded continually, 24 hours a day, 7 days a week.
13. At no time during my tenure as Director of Communications was I ordered to place a particular individual's phone line on the recording system. The phone lines placed on the recording system were the lines assigned to a particular office and once placed on the recording system, all calls placed on that particular phone line were recorded regardless of the individuals who were assigned to that office.
14. During my tenure as Director of Communications I was routinely requested by police officers, city attorney's and outside law enforcement agencies to listen to and look for certain recorded conversations that were recorded by the system for a wide variety of reasons, including, criminal investigations, internal affair investigations, citizen complaints regarding police personnel, as well as FOIA requests. At no time were the above stated recording practices ever questioned by anyone.
15. From October of 2010 to January 2011, the Dynamic Instrument Reliant Recording System began to have multiple DVD drive failures. It was discovered that some of the audio recordings were lost due to the system failures. As part of my duties as Director of Communications, I was required to maintain the systems. As part of my



requirements, I had to check the entire recording system after the final replacement of a DVD drive in January of 2011.

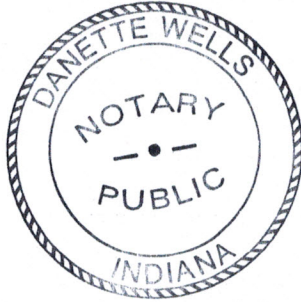
16. It was during this period of time in January of 2011 when I was checking to see if the system was operating after numerous repairs that I discovered the first of the conversations which were subsequently recorded and given to Chief Boykins.
17. In July of 2011, the City Attorney Aladean DeRose in response to a Freedom of Information Request advised one of the requestors, Nancy Bruce of ABC 57 to contact me at my office and that I was to cooperate with her in locating any recordings of telephone conversations concerning the request. Pursuant to the request from the City Attorney, I began to look for the recordings that Nancy Bruce of ABC 57 insisted existed. I checked all telephone lines looking for anything related to the information requested by the Freedom of Information request. It was during this search of the phone lines that I located additional conversations on line 6031 which I subsequently reported to Chief Boykins and which are the subject of this lawsuit.
18. On December 30, 2011, Chief Darryl Boykins requested that I make copies of the recorded conversations that I had earlier advised him of indicating that he might need to discuss them with the Mayor.
19. On January 6, 2012, I provided Chief Boykins with five cassette tapes containing nine recorded telephone conversations and one recorded voice mail. I provided Chief Boykins with a document entitled Tape 1, Tape 2, Tape 3, Tape 4, and Tape 5. This document had a short synopsis of explaining each recording with the time, date, how many seconds of audio traffic and a brief narrative of what was discussed. This document was not an actual transcript but would provide Chief Boykins with enough information to determine if he wanted to discuss these individual recordings with the Mayor as I was not sure which recordings he was interested in.

Further affiant sayeth not.

Karen DePaepe  
Karen DePaepe

State of Indiana, County of St. Joseph; SS:

Subscribed and sworn to before me, this 12 day of December 2013.



Danette L. Wells  
Signature of Notary  
My commission expires: 12-28-16

Plant Equipment Centrex & Ring Down Lines

**Police**

235-9361  
235-9362  
235-9363  
235-9364  
235-9284  
235-9285  
235-9286  
235-9287  
235-9288

**Fire**

235-9383  
235-9384

**Direct Ring Down Lines**

Mishawaka PD  
St. Joseph County PD  
Fire Watch (Central Fire)  
Ambo Room (Central Fire)  
Neo-Natal (Old Fire Station #2 on Marion St.)  
Notre Dame Security  
Memorial Hospital  
St. Joseph Regional Medical Center  
Fire Station 2  
Fire Station 3  
Fire Station 4  
Fire Station 5  
Fire Station 6  
Fire Station 7  
Fire Station 8  
Fire Station 9  
Fire Station 10  
Fire Station 11  
Medic 4 (ambo room at Station 4)  
St. Joseph County Fire Dispatch



**Administrative Phones**

235-9201 Front Desk  
235-9202 Front Desk  
235-9203 Front Desk  
235-9204 Front Desk  
235-9205 Front Desk  
235-9206 Front Desk

235-9461 Internal Affairs

235-9311 Chief's Office  
235-9312 Chief's Office  
235-9313 Chief's Office  
235-9315 Chief's Office

235-9212 Records  
235-7509 Records Director

235-9263 Detective Bureau  
235-9264 Detective Bureau  
245-6031 Detective Bureau (was Div. Chief, now Div. Captain's Line)